19

20

21

22

23

24

25

26

27

28

IN THE JUSTICE COURT LAS VEGAS TOWNSHIP CLARK COUNTY, STATE OF NEVADA

2 45 PM '10 JUL 6

STATE OF NEVADA.

Plaintiff,

V.

TIMOTHY JOHN SHELBURN. ID #2645690, dba, Be Cool, Inc., a Nevada Corporation.

Defendant.

JUSTIII. LAS VEGAS

Case No.: 10F12482X

Dept. No.: 5

CRIMINAL COMPLAINT

The State of Nevada, by and through legal counsel, CATHERINE CORTEZ MASTO, Nevada Attorney General, and Gianna Orlandi, Deputy Attorney General, complains and charges that the above named Defendant TIMOTHY JOHN SHELBURN has committed the crimes of SECURITIES FRAUD, a felony, in violation of NRS 90.570(2), (1 count), THEFT WITH THE VALUE OF PROPERTY IN EXCESS OF \$2500, a felony, in violation of NRS 205.0832(1)(b), (2 counts), and FORGERY, a felony, in violation of NRS 205.110), (1 count), within Las Vegas Township, Clark County, State of Nevada in the following manner:

COUNT 1 SECURITIES FRAUD

(Class "B" Felony - NRS 90.570(2))

On or between June 11, 2008 and June 18, 2008, within Las Vegas Township, Clark County, State of Nevada, Defendant TIMOTHY JOHN SHELBURN (hereinafter "SHELBURN"), dba, Be Cool, Inc. ("BCI"), did then and there willfully, unlawfully and feloniously, in connection with the offer and sale of a security in the form of a sale of a security, to Richard Parks, ("Parks") make one or more of the following untrue statements of a material fact to Parks, and/or omitted to state one or more of the following material facts necessary in order to make the statements made to Parks, not misleading in the light of the circumstances under which they are made:

111

2

3

4

5

6

7

8

9

10

11

12

17

18

19

20

21

22

23

24

25

26

27

28

A. UNTRUE STATEMENTS OF MATERIAL FACTS

- 1. That SHELBURN had in his possession a Letter of Intent from Black and Decker to purchase BCI; and
- 2. That **BCI** had patents pending for its B1 and B2 cooling device.

B. OMISSIONS OF MATERIAL FACT

- 1. That **SHELBURN** had filed for Chapter 7 Bankruptcy in 2003; and
- 2. That **SHELBURN** had three civil cases filed against him in 2003 and 2006, in which allegations of violation of the Indiana Securities Act were made.

On or about June 11, 2008, Parks met with SHELBURN and ALFRED MILTON DIX ("DIX") at Carmine's Restaurant in Las Vegas, Clark County, Nevada. At the meeting. SHELBURN advised Parks that his company, BCI, was devising a device that would keep the inside of automobiles cool. SHELBURN also advised Parks that he had a signed letter of intent from Black and Decker to purchase the device and that patents pending had been issued in his name for B1 and B2 of BCI'S cooling device. SHELBURN further advised Parks that he and DIX needed an additional \$25,000 in order to "close the deal" with Black and Decker within the next ten days. Finally, SHELBURN represented that the return on Park's investment with BCI would be in the millions. On that same day, Parks gave SHELBURN \$5,000 (Five Thousand Dollars and No Cents) for his investment in SHELBURN'S purported BCI automobile cooling prototype.

On or about June 18, 2008, Parks gave DIX an additional \$20,000 (Twenty Thousand Dollars and No Cents) for his investment in SHELBURN'S purported BCI automobile cooling prototype. In exchange, Parks received a promissory note for the amount of \$25,000, which would be due on July 18, 2008. Parks also received 50,000 shares in BCI, made out to his daughter, Yolanda Pardo. In truth and fact, there was no "Letter of Intent" from Black and Decker and BCI had no patents pending for its B1 and B2 cooling devices.

Following his investment with BCI and SHELBURN, Parks sustained a net loss of \$25.000. All of which constitutes the crime of SECURITIES FRAUD, a Class B felony in violation of NRS 90.570(2).

2

1

3

4 5

6 7

8

9

10

11

12

18

17

19 20

21

22 23

24

25

26

27

28

COUNT 2

THEFT WITH THE VALUE OF PROPERTY IN EXCESS OF \$2500

(Class "B" Felony - NRS 205.0832(1)(b))

On or about June 11, 2008, within Clark County, State of Nevada, Defendant, TIMOTHY JOHN SHELBURN ("SHELBURN"), dba "BECOOL, INC." ("BCI"), did then and there willfully, unlawfully, knowingly and feloniously control any property of another person with the intent to deprive that person of the property; and/or convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person; and/or use the property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain personal property of another person by a material misrepresentation with intent to deprive that person of the property, to wit: On or about June 11, 2008, SHELBURN obtained and exercised control of \$5,000.00 (Five Thousand Dollars and No Cents) from Richard Parks (hereinafter "Parks"), in the form of a cash payment by falsely representing to Parks that his company, BCI, was engaged in the business of developing cooling devices for automobiles and that Parks' investment in the creation of the prototype would in turn generate profits in the millions. SHELBURN further falsely represented that he had a signed Letter of Intent from Black and Decker to purchase the cooling device prototype upon its completion and that Parks' investment was necessary to "close the deal" with Black and Decker within the next ten days.

Said representations were untrue in that SHELBURN did not have a signed Letter of Intent from Black and Decker, and intended to use Parks' money for his own personal use. Thereafter, SHELBURN did not use Parks' money for the limited purpose stated, but controlled and converted \$5,000.00 of Parks' money to his own use. All of which constitutes the crime of **THEFT**, a Class B felony, in violation of NRS 205.0832(1).

111

6

11

27

28

COUNT 3 THEFT WITH THE VALUE OF PROPERTY IN EXCESS OF \$2500

(Class "B" Felony - NRS 205.0832(1)(b))

On or about June 18, 2008, within Clark County, State of Nevada, Defendant, TIMOTHY SHELBURN ("SHELBURN"), dba "BE COOL, INC." ("BCI"), did then and there willfully, unlawfully, knowingly and feloniously control any property of another person with the intent to deprive that person of the property; and/or convert, make an unauthorized transfer of an interest in, or without authorization control any property of another person; and/or use the property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use; and/or obtain personal property of another person by a material misrepresentation with intent to deprive that person of the property, to wit: On or about June 18, 2008, SHELBURN obtained and exercised control of \$20,000.00 (Twenty Thousand Dollars and No Cents) from Richard Parks (hereinafter "Parks"), in the form of a cash payment given to SHELBURN via Alfred Dix, by falsely representing to Parks that his company, BCI, was engaged in the business of developing cooling devices for automobiles and that Parks' investment in the creation of the prototype would in turn generate profits in the millions. SHELBURN further falsely represented that he had a signed Letter of Intent from Black and Decker to purchase the cooling device prototype upon its completion and that Parks' investment was necessary to "close the deal" with Black and Decker within the next ten days.

Said representations were untrue in that **SHELBURN** was neither engaged in the creation of an automobile cooling system, nor had a signed Letter of Intent from Black and Decker, but intended to use Parks' money for his own personal use. Thereafter, SHELBURN did not use Parks' money for the limited purpose stated, but controlled and converted \$20,000.00 of Parks' money to his own use. All of which constitutes the crime of THEFT, a Class B felony, in violation of NRS 205.0832(1)(b).

III

111

COUNT 4 FORGERY

(Class "D" Felony -NRS 205.110)

That the Defendant, TIMOTHY JOHN SHELBURN ('SHELBURN") did willfully, unlawfully, feloniously and falsely, with the intent to defraud, and knowing the same to be forged or altered, utter, offer, dispose of, or put off as true and genuine, or have in his possession with the intent to so utter, offer, dispose of, or put off any forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, to wit; On or about October 2, 2008, SHELBURN uttered, possessed or put off as true and genuine a forged, altered and/or counterfeited Letter of Intent from Black and Decker while attempting to fool investors that Black and Decker intended to purchase his company, Be Cool, Inc, ("BCI") and its B1 and B2 products, when, in fact, no such arrangement existed. All of which constitutes the crime of FORGERY, a Class D felony, in violation of NRS 205.110.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

DATED this / day of

. 2010.

CATHERINE CORTEZ MASTO

Attorney General

By:

Deputy Attorney General Nevada Bar No. 5087

Office of the Attorney General **Bureau of Criminal Justice**

555 E. Washington Ave., Ste. 3900 Las Vegas, Nevada 89101-1068

(702) 486-3782 (702) 486-2377 FAX gorlandi@ag.nv.gov